

NEOMTRX.4C1D3C1

CUSTOMER NO.: 20995

## TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321

Applicant : Morton, et al.  
Appl. No. : 10/811,762  
Filed : March 29, 2004  
For : METHOD OF NONINVASIVELY  
OBTAINING INTRADUCTAL  
FLUID  
Examiner : Davis, R.  
Group Art Unit : 1645

## CERTIFICATE OF FAX TRANSMISSION

I hereby certify that this correspondence and all marked attachments are being transmitted via facsimile to the Examiner Ruth Davis of the USPTO at Fax No. (571) 273-0915 on the date shown below:

January 5, 2005

(Date)

Rose M. Thiessen, Reg. No. 40,202

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

*Empowerment of Attorney*

Pursuant to 37 C.F.R. § 1.321(b) the undersigned attorney of record is empowered to act on behalf of the Assignee, NeoMatrix, LLC ("Assignee"), by virtue of a Power of Attorney executed on January 3, 2005, a copy of which is attached.

*Right of Assignee and Ownership*

In accordance with 37 C.F.R. § 3.73(b), Assignee represents that it is the owner of a 100% percent interest in the above-identified application and co-owned, co-pending, Application No. 10/072,539, all by virtue of an assignment, a copy of which is attached and will be forwarded to the Assignment Branch of the Patent and Trademark Office. The Assignee represents that, to the best of Assignee's knowledge and belief, title is in the Assignee seeking to take action.

*Disclaimer by Assignee*

Assignee hereby disclaims, except as provided below, the terminal part of any patent granted on the above-referenced application that would extend beyond the expiration date of the full

Appl. No. : 10/811,762  
Filed : March 29, 2004

statutory term of any patent issuing from U.S. Patent Application No. 10/072,539, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the instant application and any patent issuing from U.S. Patent Application No. 10/072,539 are co-owned. This agreement extends to any patent granted on the above-referenced application and shall be binding on its successors or assigns.

Assignee does not disclaim any terminal part of any patent granted on the above-referenced application prior to the earlier of the expiration date of the full statutory term of any patent issuing from U.S. Patent Application No. 10/072,539, and that of any patent issuing on the above-identified application in the event that either one later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

This Terminal Disclaimer is accompanied by the \$65 fee set forth in 37 C.F.R. § 1.20(d).

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 1/5/05

By: 

Rose M. Thiessen  
Registration No. 40,202  
Attorney of Record  
Customer No. 20,995  
(619) 235-8550

TERMINAL  
S:\DOCS\RMT\RM-T-6021.DOC  
010305